



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of:

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

[REDACTED]

PRELIMINARY RECITALS

Pursuant to a petition filed September 8, 2015, under Wis. Admin. Code § HA 3.03(4), to review a decision by the Dane County Department of Human Services ["County"] in regard to Child Care ["CC"], a Hearing was held via telephone on November 10, 2015. A Spanish/English interpreter translated for petitioner.

The issue for determination is whether it was correct to deny petitioner's August 17, 2015 application for CC.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Children and Families
201 East Washington Avenue, Room G200
Madison, Wisconsin 53703

BY: [REDACTED], ESS
Dane County Department of Human Services
1819 Aberg Avenue
Suite D
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County, Wisconsin.
2. On August 17, 2015 petitioner applied for CC.
3. There are 5 people in petitioner's CC household.
4. Petitioner's CC household has total monthly gross income of over \$4,700 consisting of earned income of adult household members.
5. By a written notice dated August 26, 2015 the County denied petitioner's August 17, 2015 application for CC because her household income is over the CC program income limit.

DISCUSSION

Low-income parents applying for child care assistance must have gross income at or below 185% of the Federal Poverty Level ["FPL"]. Once a family has established eligibility, gross income can rise to 200% FPL. Parents are eligible for child care assistance, until the gross income exceeds 200% FPL. Wis. Stat. § 49.155(1m)(c)1. (2013-14); *Wisconsin Shares Child Care Subsidy Policy Manual* (November 2015) ["CC Manual"] 1.5.1.1. & 1.5.1.2. With certain exceptions not applicable here, all available earned and unearned income for the child care Assistance Group is counted in the child care budget. Income is available if the individual has a legal interest in it and has the legal ability to make it available for support and maintenance. Income is presumed to be available, unless proven unavailable. CC Manual 1.5.1. & 1.5.2., 1.5.3., 1.5.4 & 1.5.5.

For a household size of 5, such as petitioner's, 185% of the FPL is \$4,379.88. *Medicaid Eligibility Handbook* ["MEH"] 39.5. Petitioner's gross monthly income is over \$4,700. Thus, it was correct to deny petitioner's August 17, 2015 application for CC.

Petitioner testified that many of her bills were not taken into account such as water, life insurance, car insurance, and child care costs she must pay directly. However, income eligibility for CC is governed by the law as detailed above. As detailed above, gross income is used and all available earned and unearned income is counted in the child care budget. The bills petitioner cites are not allowed as deductions. CC Manual 1.5.1. & 1.5.2., 1.5.3., 1.5.4 & 1.5.5.

CONCLUSIONS OF LAW

For the reasons discussed above, it was correct to deny petitioner's August 17, 2015 application for CC.

NOW, THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby DISMISSED.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

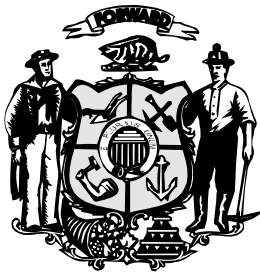
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 East Washington Avenue, Room G200, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 16th day of November, 2015

\sSean P. Maloney
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on November 16, 2015.

Dane County Department of Human Services
Child Care Benefits